THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.27734 OF 2005

–

Dated: 27-12-2005

–

Between

Jyothi Malakondaiah, W/o. Dasaiah,

Agriculturist, R/o. Tarunavai Village,

Sangam Mandal, Nellore District

and others.

...PETITIONERS

AND

The District Collector, Nellore/

The District Election Authority under

A.P. Farmers Management of Irrigation

Systems (Delineation & Formation of

Water Users Associations) Rules, 2003

and others.

...RESPONDENTS

ORDER:

–

–

Petitioners seek a Writ of Mandamus to declare the action of the respondents in conduction elections to the Managing Committee of Padamatipalem Water Users' Association, Sangam Mandal, Nellore District without following the due procedure under Rule 4 of the A.P. Farmers' Management of Irrigation Systems Rules, 1997 (for short 'the Rules') and without disposing the appeal filed them before the first respondent dated 22.12.2005 as

illegal and arbitrary.

Heard the learned counsel for the petitioners and the learned counsel appearing for the respondents.

Learned counsel for the petitioners submits that the petitioners are agriculturists and having small extents of lands in Tarunavai Village, Sangam Mandal, Nellore District and the names of the petitioners 1 to 8 and 11 to 15 are recorded in Adangals of revenue records and the petitioners 9 and 10 are having D Form pattas in their favour. While so, the Commissioner, CAD & Principal Secretary to Government (Irrgn.) I & CAD Department, issued a notification dated 30.11.2005 for conducting elections to Water Users Associations under the Andhra Pradesh Farmers' Management of Irrigation Systems Act, 1997 (for short 'the Act'). Pursuant to the said notification, the first respondent issued a notification on 04.12.2005 for preparation of voters list of Padamatipalem Water Users' Association for the year 2006. Pursuant to the said notification, the petitioners submitted the applications to the third respondent in From-F on 13.12.2005 requesting him to enter their names in the said voters list. The third respondent prepared the voters list and published on 20.12.2005 on the notice board of the Gram Panchayat without including of the names of the petitioners. Therefore, the petitioners approached the first respondent by way of appeal/objections on 22.12.2005 under Rule 4(4) of the Rules. It is further submitted that under Rule 9(6) of the Rules, after receiving the objections, if any, the District Officer, shall consider such objections within two weeks and finalise such list by preparing the names to be incorporated at the end of each list and final notice, thereafter, shall be published in Form-I in respect of the voters list.

In the instant case, the final publication of voters list in Form-I was published on 20.12.2005 and the appeal was filed on 22.12.2005. Therefore, the question of entertaining the appeal/objections after publication of the final voters list in Form-I does not arise.

In view of the aforesaid facts and circumstances of the case, this Court does not find any illegality on the part of the respondents in publishing the final voters list. Had the petitioners filed their objections before the publication of final voters list it would have been a different

matter. As such no relief can be granted in this writ petition.

The writ petition is accordingly dismissed with a liberty to the petitioners to file an election petition, raising objections for conduction elections without including their names.

_____

V. ESWARAIAH, J

December 27, 2005

DSK